

Hatch
Helms
Hutchinson
Kyl
Lott

Mack
McConnell
Nickles
Roberts
Sessions

Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson

NOT VOTING—16

Akaka
Biden
Durbín
Fitzgerald
Harkin
Inhofe

Kerry
Leahy
Lincoln
McCain
Mikulski
Murkowski

Santorum
Specter
Torricelli
Voinovich

The nomination was confirmed.

Mr. LOTT. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, what is the pending business now?

The PRESIDING OFFICER. Interior appropriations bill, H.R. 4578.

Mr. LOTT. I believe we are working to go forward tonight on the Defense authorization bill. I see the managers are on the floor, the chairman and ranking member, and I presume that will be something we can do around 6:30 or 7 o'clock.

I will check with the managers of the Interior appropriations bill and see if there is any further business they need to do on that bill tonight before we go to Defense authorization.

I see the distinguished Senator from West Virginia on the floor. As one of the managers, does Senator BYRD know if there is further business on the Interior appropriations bill tonight?

Mr. BYRD. Mr. President, in talking a little earlier with the distinguished Senator from Washington, Mr. GORTON, he indicated to me that we had completed our work today on that bill and we would be back on it tomorrow. I assume he did not anticipate anything further today.

Mr. LOTT. Mr. President, that was my understanding also, but I wanted to doublecheck. We will make one last check with Senator GORTON on that. We are hoping good progress can be made on the Interior appropriations bill tomorrow, hopefully even finish it tomorrow, if at all possible, and we will be glad to work with the managers on that.

I yield to Senator KENNEDY.

Mr. KENNEDY. I thank the leader.

Mr. LOTT. I yield to Senator KENNEDY.

Mr. KENNEDY. Just for a question.

As I understand it, the majority leader is going to propound a unanimous consent request to consider the Defense authorization bill. I will not object to that. But I hope the leader would consider moving back to the consideration of the Elementary and Secondary Edu-

cation Act at an evening session following the disposition.

I do not want to object to moving to this particular proposal, but I expect to object to going to other proposals if we are not given at least some assurance that we are going to revisit the Elementary and Secondary Education Act.

I commend the leader for having the night sessions. I think this is challenging all of us. I think we ought to be responsive to that. I certainly welcome the leader's determination to move the process forward in the Senate, but I hope at least the leader could work out, with our leadership, some opportunity for an early return to the Elementary and Secondary Education Act.

I will not object on this particular request this evening, but I do want to indicate, as that debate is going on for tonight and tomorrow evening, I hope we will have the opportunity for the leader to speak with Senator DASCHLE and work out a process. If we are not going to do that, then I will be constrained to object in the future, until we have some opportunity, with certainty, of revisiting the elementary and secondary education legislation, which is so basic and fundamentally important to families in this country.

I thank the leader for yielding.

Mr. LOTT. Mr. President, if I could respond to Senator KENNEDY's question, first of all, I, too, would very much like to see us complete the Elementary and Secondary Education Act. The committee did very good work on that legislation. The Senate spent a week, over a week perhaps, having amendments offered and voted on.

With regard to the underlying Elementary and Secondary Education Act and other nongermane amendments that were offered, that delayed our ability to complete that legislation. But I feel very strongly about getting it done. I am very pleased with the condition the bill is in. I think it might be a good idea that we workout an arrangement on the Elementary and Secondary Education Act for next week, perhaps similar to what we have done with the DOD authorization bill, hoping to work on that bill tonight and having votes on amendments, if any are ordered, in the morning; the same thing tomorrow night with votes occurring the next morning. We could do the same thing on the Elementary and Secondary Education Act.

But there is a key thing here. On the Elementary and Secondary Education Act, some nongermane amendments were offered delaying our ability to complete our work on that, and some that were germane. But we reached a point where we needed to try to find an agreement to complete our work.

After being abused severely by both sides of the aisle, perhaps, depending on your point of view—the Defense authorization bill had all kinds of nongermane amendments offered to it—after a period of time, there was an agreement that we needed to see if we could complete action on this very im-

portant Department of Defense authorization bill; it provides very important changes in the law, things that cannot be done just with the Defense appropriations bill, including improvements in the health care benefits for our military men and women and their families, and our retirees. We have to do this bill to get it done.

Therefore, under the persistent leadership of the Senator from Virginia and the Senator from Michigan, the managers, we came to an agreement last week, a unanimous consent agreement, that nongermane amendments would not be offered any longer and all amendments had to be offered by the close of business Friday.

While they have a long list of amendments they have to work through, I am satisfied they can get it done now that they are focused on amendments related to the Department of Defense authorization bill.

I would be glad to pursue a similar type arrangement with the Democratic leadership, with Senator KENNEDY involved, where we could maybe get a list of amendments by the close of business Friday, work on the bill at night but limit it to germane amendments that could be debated and voted on and complete action, hopefully, in a relatively reasonable period of time.

Mr. KENNEDY. If the Senator can yield for a very brief observation?

Mr. LOTT. I yield to Senator KENNEDY.

Mr. KENNEDY. I think that is a very reasonable request, with the understanding that school safety and security is also of fundamental importance to families and to schools. I think we have had good debates on class size, on afterschool programs, on well-trained teachers, new technologies, on accountability, measures about training programs and other programs. We can debate all of those matters. If we do not have safety in the schools as well, those matters will have much less relevance than they otherwise might.

I guess we still have some differences with the majority leader on the issue of school safety. I think most parents in the country believe that is a relevant amendment. Under the particular procedures of the Senate, it might be declared not to be, but certainly I think, for most Members of the Senate, it would be.

I, for one, would be willing to let that decision be made by the Senate, if we could have a vote up or down on that issue, about whether it is relevant or not relevant. I have not mentioned it or talked it over with the sponsors of the amendment or the leader, but I would think we could have a judgment made on that by the Senate itself in a very quick order and have that resolved and then move to the other amendments, if it is agreeable with the majority leader.

Mr. LOTT. As I say, we will work with the Democratic leadership and see if we can work out an agreement similar to the one we have on the Department of Defense authorization bill.